

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated October 20, 2008, and Advisory Action dated February 26, 2009, have been received and their contents carefully reviewed.

By this response, claims 44, 48-50, 52 and 56-58 are hereby amended. Claims 1-43 are hereby cancelled without prejudice or disclaimer. Claims 60-76 are hereby added. No new matter is added. Accordingly, claims 44-76 are currently under examination. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action, the declaration is indicated as defective because the residence and citizenship information for Sharyn R. Kohen is missing. In response, Applicant will submit an Application Data Sheet supplying this information.

Claims 44-59 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,987,434 to Libman (hereinafter "Libman") in view of non-patent literature Myers, Cherin, Forbes, Carson, Crosby, and BarNiv (as indicated on page 7 of the Office Action).

Applicant respectfully traversed the 35 U.S.C. §103(a) rejection of claims 44-59 and reconsideration is respectfully requested. Claim 44-51 are allowable at least in that each of these claims recites a combination of elements, including, for example, "obtaining by the computer-based value appraising system a weighted average of at least the product value for money rating, the product stress tolerance rating, and the financial strength rating based on weightings reflecting the relative importance of each numeric rating to determine the overall numeric rating, wherein the weights are positive numbers". Claims 52-59 are allowable at least in that each of these claims recites a combination of elements, including, for example, "obtaining by the computer-based value appraising system a weighted average of at least the product value for money rating, the product stress tolerance rating, and the financial strength rating based on weightings reflecting the relative importance of each numeric rating to determine the overall

numeric rating, wherein the weights are positive numbers”. Libman, Myers, Cherin, Forbes, Carson, Crosby, and BarNiv, alone or in combination, fail to teach or suggest at least these features of the claimed invention. In particular, Libman discloses “[t]he ‘best policy’ methodology evaluates and analyzes a potentially large number of product providers and products which best meet a specified set of criteria, for example, by picking the product having the lowest premium for the client.” Col. 12, lines 49-53. However, Libman does not disclose the above-recited features of claims 44-59, and Myers, Cherin, Forbes, Carson, Crosby, and BarNiv fail to remedy the deficiencies of Libman. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 44-59.

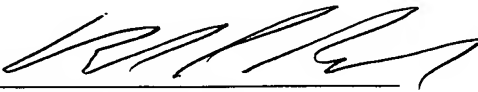
Furthermore, new claims 60-76 are allowable at least in that none of the cited references, alone or in combination, teach or suggest all the features of these claims.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 20, 2009

Respectfully submitted,

By 

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